

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CLENNARD EDWARD McCORKLE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 04-cv-0921-MJR
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM and ORDER

REAGAN, District Judge:

In a detailed Order issued October 24, 2005, the undersigned Judge denied Clennard McCorkle's petition to vacate, set aside, or correct his sentence, pursuant to **28 U.S.C. § 2255**. The Clerk of Court entered judgment accordingly. *See* Docs. 17, 18.

McCorkle moved for reconsideration under Federal Rule of Civil Procedure 59(e). After the parties briefed that motion, the Court denied it on December 28, 2005. McCorkle filed a notice of appeal on January 6, 2006. In conjunction with that appeal, McCorkle now moves the Court to issue a certificate of appealability. *See* Doc. 32, filed May 11, 2006.

28 U.S.C. § 2253(c)(1) provides: "Unless a ... judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from ... the final order in a proceeding under section 2255." **28 U.S.C. § 2253(c)(2)** provides that a certificate of appealability may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right."

For the reasons thoroughly discussed in the October 2005 Order, the Court **FINDS** that McCorkle has *not* made a substantial showing of the denial of a constitutional right.

Therefore, the Court **DENIES** McCorkle's motion for certificate of appealability (Doc. 32).

IT IS SO ORDERED.

DATED this 12th day of May, 2006.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge